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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/923,599	08/06/2001	Brian Gerard Goodman	TUC920000097US1	1418
7590	12/03/2004		EXAMINER	
David W. Victor KONRAD RAYNES & VICTOR LLP Suite 210 315 S. Beverly Drive Beverly Hills, CA 90212			OLSON, JASON C	
			ART UNIT	PAPER NUMBER
			2651	
DATE MAILED: 12/03/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/923,599	GOODMAN ET AL.
	Examiner Jason C Olson	Art Unit 2651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 30 June 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-3,5,7-16,18-21,24-49,51,53-62,65 and 66 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 1-3,5,7-14,21,24-40,47-49,51 and 53-60 is/are allowed.
- 6) Claim(s) 15,16,18-20,41-46,61,62,65 and 66 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 06 August 2001 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

This office action is in response to the amendment filed on 06/30/04.

The allowable subject matter in the previous office action with regards to claims 20, 41-46, and 66 are withdrawn.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 15, 18, 19, 41, 43-45, 61, and 65 are rejected under 35 U.S.C. 102(b) as being anticipated by Treffers (US 6,052,247).

Regarding claims 15 Treffers teaches a selecting a first set of data records (see col. 3, ln. 64-col. 4, ln. 7) to write to a first user data section (see figure 3, item P1) of a magnetic tape medium (figure 3, item 2), wherein the magnetic tape medium further includes a second user data section (figure 3, item P2), and wherein the first user data section has a shorter longitudinal length than the second user data section so that the first user data section comprises a faster access user data section than the second user data section (see col. 3, ln. 29-34; the sub-portions P1 can have a shorter longitudinal length than sub-portion P2, resulting in data section P1 having a faster access as described on page 7, lines 21-26 in the instant specification) transferring the first set of data records to write to the magnetic tape medium wherein the first set of data records are written to the first user data section (see col. 3, ln. 64-col. 4, ln. 7); and transferring the second set of user data records to write to the magnetic tape medium after writing the first set of data records (see col. 4, ln. 2-11), wherein the second set of data records are written to one of the

first user data section or second user data section of the magnetic tape medium (see col.4, ln. 2-11; the second set of data is written to the second user data section (P2)).

Regarding claim 18, Treffers teaches data written in separate serpentine patterns within the first and second user data sections (see figure 3, the first user data written in a serpentine pattern in P1 is separate from the second user data written in a serpentine pattern in P2, so it is interpreted by the Examiner that the serpentine patterns are separate).

Regarding claim 19, Treffers teaches the first user data section is located closer to a beginning of the tape medium than the second user data section (see figure 3, the first data section P1 is located closer to the beginning of the tape (BOT) than second user data section P2).

Regarding claims 41 and 43-45: Claims 41 and 43-45 have limitations similar to those treated in the above rejection, and are met by the references as discussed above.

Regarding claims 61 and 65: Claims 61, and 65 have limitations similar to those treated in the above rejection, and are met by the references as discussed above. Claims 61, however also recites the following limitations as taught by Treffers: the first set of data records are written to the first user data section (see figure 3, item P1) in a serpentine pattern (see figure 3, it is interpreted by the Examiner that the data written in to P1 is written in a serpentine pattern) is written in and a second user data written to the second user data section (figure 3, item P2) in a serpentine pattern (see figure 3, and the data written in P2, items T1 and T2) separate from the serpentine pattern of the first data section (see figure 3, the first user data written in P1 is separate from the second user data written in P2, so it is interpreted by the Examiner that the serpentine patterns are separate).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 16, 42, and 62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Treffers and Basham et al. (US 5,969,893), referred to as Basham.

Regarding claims 16, 42, and 62, Treffers teaches all the limitations of claims 15, 41, and 61 above. Treffers fails to teach before writing the second set of data records to the magnetic medium, filling the first user data section with data, however, Basham is relied upon to teach before writing the second set of data records to the magnetic medium, filling the first user data section with data (see figure 9, a first user data section (950) is filled before a second user data section (951) is written to). It would have been obvious to one of ordinary skill in the art at the time the invention was made to improve upon user data recording of Treffers by applying the teaching of filling the first user data section before writing to the second user data section as taught by Basham for the purpose as stated in col. 14, ln. 26-40 of Basham.

Claims 20, 46, and 66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Treffers and Hamaguchi et al. (US 5,726,702), referred to as Hamaguchi.

Regarding claim 20, Treffers teaches a selecting a first set of data records (see col. 3, ln. 64-col. 4, ln. 7) to write to a first user data section (see figure 3, item P1) of a magnetic tape medium (figure 3, item 2), wherein the magnetic tape medium further includes a second user

data section (figure 3, item P2), and wherein the first user data section comprises a faster access user data section than the second user data section (see col. 3, ln. 29-34; the sub-portions P1 can have a shorter longitudinal length than sub-portion P2, resulting in data section P1 having a faster access as described on page 7, lines 21-26 in the instant specification) transferring the first set of data records to write to the magnetic tape medium wherein the first set of data records are written to the first user data section (see col. 3, ln. 64-col. 4, ln. 7); and transferring the second set of user data records to write to the magnetic tape medium after writing the first set of data records (see col. 4, ln. 2-11), wherein the second set of data records are written to one of the first user data section or second user data section of the magnetic tape medium (see col. 4, ln. 2-11; the second set of data is written to the second user data section (P2)) wherein the first set of data records comprises previews of a files (see col. 5, ln. 64-col. 4, ln. 4; it is interpreted by the examiner that the data blocks recorded in P1 are previews or clips of files as described on page 13, lines 6-7 of the instant specification) and wherein the second set of data records comprises the full file for which previews are included in the first set of data records (see col. 4, ln. 2-14). Treffers fails to explicitly disclose that the first or second data files are multimedia files, however, Hamaguchi is relied upon to teach recording multimedia files and previews (see col. 23, ln. 56-66). It would have been obvious to one of ordinary skill in the art at the time the invention was made to improve upon recording clips and full files of Treffers by applying the teaching of recording multimedia files and previews or clips as taught by Hamaguchi for the purpose as stated in col. 4, ln. 63-col. 5, ln. 3 of Hamaguchi.

Regarding claim 46, Treffers teaches all the limitations of claim 41 above. Treffers further teaches wherein the first set of data records comprises previews of a files (see col. 5, ln.

64-col. 4, ln. 4; it is interpreted by the examiner that the data blocks recorded in P1 are previews or clips of files as described on page 13, lines 6-7 of the instant specification) and wherein the second set of data records comprises the full file for which previews are included in the first set of data records (see col. 4, ln. 2-14). Treffers fails to explicitly disclose that the first or second data files are multimedia files, however, Hamaguchi is relied upon to teach recording multimedia files and previews (see col. 23, ln. 56-66). It would have been obvious to one of ordinary skill in the art at the time the invention was made to improve upon recording clips and full files of Treffers by applying the teaching of recording multimedia files and previews or clips as taught by Hamaguchi for the purpose as stated in regards to claim 20.

Regarding claim 66: Claim 66 has limitations similar to those treated in the above rejection, and is met by the references as discussed above.

Allowable Subject Matter

Claims 1-3, 5, 7-14, 21, 24-40, 47-49, 51, and 53-60 are allowed. Regarding claims 1, 21, 27, and 47, the prior art fails to teach alone or in combination a method, means, apparatus, or article of manufacture that for storing data in a magnetic tape storage medium, including a first and second user data section where the first user data section comprises a faster access storage space than the second user data section, determining a first set of data to be accessed with less delay than a second set of data; writing the first set of data to the first user data section in a serpentine pattern and writing the second set of data to the second user data section in a serpentine pattern separate from the serpentine pattern of the first user data section.

Response to Arguments

Applicant's arguments, see pages 16-18 filed on 06/30/04, with respect to claims 1-3, 5, 7-14, 21, 24-26, 47-49, 51, and 53-60 have been fully considered and are persuasive. The rejection of claims 1-3, 5, 7-14, 21, 24-26, 47-49, 51, and 53-60 has been withdrawn.

Applicant's arguments, see pages 16-18 filed 06/30/04, with respect to the rejection(s) of claim(s) 15, 16, 18, 19, 61, 62, and 65 under U.S.C. 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Treffers with regards to claims 15, 18, 19, 61, and 65, and in view of Treffers and Basham with regards to claims 16 and 62.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason C Olson whose telephone number is 703.305.8325. The examiner can normally be reached on Monday thru Thursday 7:30-5:30; alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on (703)308-4825. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2651

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JCO
November 30, 2004


SINH TRAN
PRIMARY EXAMINER